

### **Remarks**

The present Amendment and Response is believed to be fully responsive to the Final Office Action mailed January 7, 2010 and is being filed in conjunction with a Request for Continued Examination and the appropriate fee. After entry of the present Amendment, Claims 1-10, 12-21, 23, 24, 26, and 28-37 are pending in this application. By this Amendment, independent Claims 1, 12, and 23 and dependent Claims 3-6 and 14-17 have been amended. New dependent Claims 36 and 37 have been added. Dependent Claims 11, 22, 25, and 27 were previously canceled without prejudice by prior response. It is respectfully asserted that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

### **Claim Rejections Under 35 U.S.C. § 112**

In the Office Action, Claims 1, 12, and 23 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Office Action argued that the recitations of “wherein each of the plurality of debit options is associated with a respective risk processing method selected from the group consisting of (i) real-time debit authorization, (ii) batch good funds processing, (iii) guaranteed funds processing, (iv) debit-hold-credit processing, and (v) risk analysis” are not supported by the Specification.

As explained in greater detail below, it is believed that these recitations of Claims 1, 12, and 23 are fully supported by the Specification. However, in order to expedite the allowance of the present application, Claim 1 has been amended to recite “wherein each of the plurality of debit options is associated with a respective risk processing method, wherein a first of the plurality of debit options is associated with a different risk processing method than a second of the plurality of debit options.” Claims 12 and 23 have been amended in a similar manner. In other words, the recitations of the various risk processing methods have been removed from the independent claims. It is respectfully asserted that these recitations are fully supported by the Specification at least in paragraphs [0046], [0154], and [0156] and in FIGS. 6A, 6B, 10A, and 10B. For example paragraph [0154] states in part:

[0154] ... [A]n optimal combination of debit and credit methods for fulfilling a payment request in view of a particular prioritization between risk, cost, and speed is provided ... For each payment request, the service provider 201 determines an optimal method of debiting a payor and crediting a payee (managed payee 210A-210N or unmanaged payee 213A-213N) based upon variables associated with at least one of a payor, subscriber (203A-203N), a payee, a payment amount, a CSP 207A-207N, a payor's DDA, a payee's DDA, and a service provider DDA ... These variables control one or more of risk processing methods utilized, form of debiting and/or crediting utilized, and service provider DDA, or DDAs, utilized ...

It is clear from paragraph [0154] that several variables are utilized to determine an optimal debit option and associated risk processing method for completing a payment. Further, FIGS. 6A and 6B illustrate example debit options that may be assembled for evaluation with respect to a payment request. For each debit option, a wide variety of indicators or tags are illustrated. Several of these indicators are associated with the risk processing method(s) that are available for the debit options. For example, certain debit options fall under the subheadings of "Real-time authorization" and "Good funds." Accordingly, these debit options are respectively associated with real-time debit authorization and batch good funds risk processing methods. In other words, FIGS. 6A and 6B clearly illustrate different debit options that are respectively associated with different risk processing methods.

Additionally, FIGS. 6A and 6B include columns associated with whether various risk processing methods are associated with the various debit options. For example, FIGS. 6A and 6B include a column associated with whether a "risk analysis" risk processing method is associated with the various debit options (See FIGS. 6A and 6B at element 605). FIGS. 6A and 6B also include a column associated with whether a "guaranteed funds" risk processing method based upon a reversibility agreement is associated with the various debit options (See FIGS. 6A and 6B at element 611). As another example, FIGS. 6A and 6B include a column that sets forth a time delay, in days, for delivering a credit to a payee. In circumstances where the debit and

credit mechanisms are the same, this time delay is indicative of when a credit can be initiated subsequent to initiating a debit (See FIGS. 6A and 6B at element 621). In other words, an indication of a number of days for a “debit-hold-credit” risk processing method is illustrated. Accordingly, FIG. 6A and 6B clearly illustrated different debit options that are associated with various risk processing methods, as recited by the amended independent claims.

Moreover, FIGS. 10A and 10B and their associated text describe an example process for assembling a set of available debit options and credit options. During the assembly of debit options, a wide variety of factors and/or determination are evaluated in order to determine whether particular debit options are available. Certain factors and determination are associated with the availability of various risk processing methods. For example, determinations may be made as to whether a reversibility agreement exists (See Specification at paragraph [0171]), whether real-time debit authorization is available (See Specification at paragraph [0174]), and/or whether batch good funds debiting is available (See Specification at paragraph [0175]). Based upon the evaluations of the factors and determinations, debit options may be added to a set of available debit options. In other words, available debit options may be identified based upon their associated risk processing methods.

For at least the reasons set forth above, it is respectfully asserted that the recitations of amended independent Claims 1, 12, and 23 are fully supported by the Specification, and therefore, satisfy the requirements of 35 U.S.C. § 112.

The recitations of the various risk processing methods that are associated with the plurality of debit options have been moved to new dependent Claims 36 and 37. For example, new dependent Claim 36 recites “wherein each of the respective risk processing methods comprises one of (i) real-time debit authorization, (ii) batch good funds processing, (iii) guaranteed funds processing, (iv) debit-hold-credit processing, and (v) risk analysis.” New dependent Claim 37 includes a similar recitation. It is respectfully submitted that these recitations are fully supported throughout the Specification. As set forth above, these risk processing methods are supported by FIGS. 6A and 6B and their associated text. Additionally, these risk processing methods are supported by paragraph [0045] of the Specification and in original dependent Claim 3, which states:

3. The method of claim 1, wherein the plurality of risk reduction techniques includes at least two of i) determining, prior to directing funds to the payee in association with effecting payment, that payor funds are available, ii) determining, prior to directing funds to the payee in association with effecting payment, that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) determining whether payment to the payee will be drawn on a deposit account associated with the payor, or drawn on a deposit account associated with an entity other than the payor, and (iv) directing funds to the payee a predetermined period of time subsequent to initiating an electronic debit of a deposit account associated with the payor.

For at least these reasons, it is respectfully asserted that new dependent Claims 36 and 37 are supported by the Specification. Accordingly, it is respectfully asserted that each of the claims of the present application satisfies the requirements of 35 U.S.C. § 112, and therefore, is in condition for allowance.

#### **Patentability of the Independent Claims**

It is respectfully submitted that amended independent Claims 1, 12, and 23 are allowable over the cited art of record. More particularly, it is respectfully asserted that U.S. Pat. Pub. No. 2002/0087468 to Ganesan, et al. (hereinafter "*Ganesan*"), which was relied on by the Non-final Office Action dated April 22, 2009, does not teach or suggest each and every element of the amended independent claims. For example, *Ganesan*, which is co-owned by the Assignee of the present patent application, does not teach or suggest "assembling a plurality of debit options available for fulfilling the received payment request, wherein each of the plurality of debit options is associated with a respective risk processing method, and wherein a first of the plurality of debit options is associated with a different risk processing method than a second of the plurality of debit options." In marked contrast, *Ganesan* appears to relate to a system in which the same risk processing techniques are performed for all payment requests, regardless of a

debiting type that is utilized. In fact, *Ganesan* specifically states that “a need exists for a risk processing technique which does not rely upon, or result in, a determination between forms of payment” (*Ganesan* at paragraph [0012]).

Accordingly it is respectfully asserted that amended independent Claims 1, 12, and 23 are allowable over *Ganesan*. Therefore, it is respectfully asserted that the amended independent claims are in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 2-10, 13-21, 24, 26, and 28-37 are allowable as a matter of law as being dependent on an allowable base claim, notwithstanding their independent recitations of patentable subject matter.

**Conclusion**

It is believed that each matter raised by the Office Action has been responded to. Allowance of the pending claims is respectfully solicited. It is not believed that extensions of time or additional fees are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference call or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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